IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 5:06-CR-195-BO

UNITED STATES OF AMERICA,)	
v.)	<u>ORDER</u>
KENNETH PORTER,)	
Defendant.))	

This matter is before the Court on Defendant's Motion for Sequestration of Government Witnesses and Incorporated Memorandum of Law, Motion to Suppress, and Motion to Deem Motion to Suppress Timely Filed. Defendant has also requested a hearing on the Motion to Suppress.

Defendant requests that the Court sequester Government witnesses, preventing witnesses from hearing or learning of testimony during the course of the trial. The Government does not oppose this motion as long as their case agent is present throughout the trial and the Defendant's witnesses are sequestered as well. Accordingly, the Motion to Sequester is GRANTED. All witnesses to the case shall be sequestered, except for the Government's case agent.

Defendant also seeks to suppress the out of court identification and subsequent in court identification of Defendant as impermissibly suggestive and requests a hearing on this matter. The Court will hold a hearing on the Motion to Suppress on January 14, 2008 at 3:00 p.m. in Elizabeth City, North Carolina. Accordingly, the Motion to Sequester and the request for a hearing on the Motion to Suppress are GRANTED.

SO ORDERED, this ____**>** day of January 2008.

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE